

## REMARKS

Claims 1-6 are pending in the application. Claims 1-6 have been amended, and claims 7 and 20-32 have been canceled. No claims have been added. Support for the claim amendments can be found, for example, in Figures 7-9 and in their description on page 16, line 18 to page 20, line 2 of the Specification. Reconsideration is respectfully requested in view of the above amendments and the following comments.

Applicants have amended claims 1-6 and canceled claims 7 and 20-32 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the present application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

### **I. 35 U.S.C. § 102, Anticipation**

In the Final Office Action dated November 21, 2007, the Examiner rejected claims 1-4, 6, 20-23, 25 and 27-31 under 35 U.S.C. § 102(e) as being anticipated by Mayaud, U.S. Patent No. 7,072,840 (hereinafter “Mayaud”). This rejection is respectfully traversed.

Claims 20-23, 25 and 27-31 have been canceled. Therefore, the rejection with respect to those claims is now moot. Claim 1, as amended herein, is as follows:

1. A graphical user interface for use in a data processing system for facilitating data entry for cluster analysis, the graphical user interface comprising:
  - a first graphical user interface area for containing a first list of items;
  - a second graphical user interface area for containing a second list of participants;
  - and
  - a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, and each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All

limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In the present case each and every feature of the presently claimed invention is not identically shown in Mayaud arranged as they are in the claims, and, accordingly, Mayaud does not anticipate the claims, with respect to claim 1 in particular, Mayaud does not disclose or suggest “a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, and each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list.”

Mayaud is directed to a computer implemented prescription management system for physicians. The system includes a plurality of displays including a display listing patients of the physician (see Figure 2 of Mayaud). Upon selection of a particular patient, a display such as shown in Figure 3 of Mayaud appears. The display in Figure 3 includes a list of patient problems and a list of patient allergies (which may be provided by the patient), and a list of patient conditions and a list of patient prescriptions (which may be filled in by the physician).

In rejecting the claims in the Final Office Action dated November 21, 2007, the Examiner asserts that the lists of patient problems and allergies in Figure 3 of Mayaud corresponds to the plurality of lists in a first graphical user interface area of claim 1 as previously recited, and that the list of patients in Figure 2 corresponds to the list of participants in the second graphical user interface area in claim 1 as previously recited.

Assuming *arguendo*, that the Examiner’s assertion is correct, Mayaud still does not disclose or suggest a third graphical user interface area as recited in amended claim 1. More particularly, Mayaud does not disclose, or in any way suggest a third graphical user interface area that includes a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items. Yet further, Mayaud does not disclose or suggest that each participant in the second list has a corresponding plurality of third lists of items, or that the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list. Therefore, Mayaud does not disclose or

suggest “a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, and each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list”, and does not anticipate claim 1.

Claims 2-4 depend from and further restrict claim 1 and are also not anticipated by Mayaud, at least by virtue of their dependency. Furthermore, these claims recite additional features which are not disclosed or suggested by Mayaud. For example, claim 2 depends from claim 1 and recites “a fourth graphical user interface area for displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area.” Mayaud does not disclose or suggest a fourth graphical user interface area that displays at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area. Claim 2, accordingly, patentably distinguishes over Mayaud in its own right as well as by virtue of its dependency.

Claim 3 depends from claim 1 and recites that the corresponding plurality of third lists of items are displayed in an array of graphical user interface areas within the third graphical interface area. Mayaud also does not disclose or suggest the subject matter of claim 3, and claim 3 also patentably distinguishes over Mayaud in its own right as well as by virtue of its dependency.

For at least all the above reasons, claims 1-4 are not anticipated by Mayaud and patentably distinguish over Mayaud in their present form.

Therefore, the rejection of claims 1-4, 6, 20-23, 25 and 27-31 as being anticipated by Mayaud has been overcome.

## **II. 35 U.S.C. § 103 Obviousness (Claims 5 and 24)**

In the Final Office Action dated November 21, 2007, the Examiner rejected claims 5 and 24 under 35 U.S.C. § 103 as being unpatentable over Mayaud in view of Official Notice. The Examiner takes Official Notice that scroll bars are commonly used in graphical user interfaces.

Claim 24 has been canceled. Therefore, the rejection with respect to that claim is now moot. Claim 5 depends from and further restricts claim 1. Official Notice does not supply the

deficiencies in the principal reference with respect to claim 1 as discussed above. Claim 5, accordingly, patentably distinguishes over Mayaud in view of Official Notice at least by virtue of its dependency.

Therefore, the rejection of claims 5 and 24 as being obvious over Mayaud in view of Official Notice has been overcome.

### **III. 35 U.S.C. § 103 Obviousness (Claims 7, 26, and 32)**

In the Final Office Action dated November 21, 2007, the Examiner rejected claims 7, 26, and 32 under 35 U.S.C. § 103 as being unpatentable over Mayaud in view of Camarda et al., U.S. Patent No. 6,587,829 (hereinafter “Camarda”)

By the present Amendment, claims 7, 26, and 32 have been cancelled. Therefore, the rejection with respect to those claims is now moot.

Therefore, the rejection of claims 7, 26, and 32 as being obvious over Mayaud in view of Camarda has been overcome.

### **IV. Conclusion**

For at least all the above reasons, claims 1-6 patentably distinguish over the cited art and this application is now believed to be in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

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Respectfully submitted,

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